

**§ 58-39-35. Content of disclosure authorization forms.**

Notwithstanding any other provision of law of this State, no insurance institution, agent, or insurance-support organization shall utilize as its disclosure authorization form in connection with insurance transactions involving insurance policies or contracts issued after July 1, 1982, a form or statement that authorizes the disclosure of personal or privileged information about an individual to the insurance institution, agent, or insurance-support organization unless the form or statement:

- (1) Complies with the provisions of Article 38 of this Chapter;
- (2) Is dated;
- (3) Specifies the types of persons authorized to disclose information about the individual;
- (4) Specifies the nature of the information authorized to be disclosed;
- (5) Names the insurance institution or agent and identifies by generic reference representatives of the insurance institution to whom the individual is authorizing information to be disclosed;
- (6) Specifies the purposes for which the information is collected;
- (7) Specifies the length of time such authorization shall remain valid, which shall be no longer than:
  - a. In the case of authorizations signed for the purpose of collecting information in connection with an application for an insurance policy, a policy reinstatement, or a request for change in policy benefits:
    1. Thirty months from the date the authorization is signed if the application or request involves life, health, or disability insurance; or
    2. One year from the date the authorization is signed if the application or request involves property or casualty insurance;
  - b. In the case of authorizations signed for the purpose of collecting information in connection with a claim for benefits under an insurance policy:
    1. The term of coverage of the policy if the claim is for a health insurance benefit; or
    2. The duration of the claim if the claim is not for a health insurance benefit; and
- (8) Advises the individual or a person authorized to act on behalf of the individual that the individual or the individual's authorized representative is entitled to receive a copy of the authorization form. (1981, c. 846, s. 1; c. 1127, s. 56; 2003-262, s. 2(1).)